

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOVER NARANJO,	:
	:
Petitioner,	: 17-cv-9573 (JSR) (BCM)
	:
-v-	: 13-cr-351 (JSR)
	:
	: <u>ORDER</u>
UNITED STATES OF AMERICA,	:
	:
Respondent.	:
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JED S. RAKOFF, U.S.D.J.

On February 26, 2021, the Honorable Barbara C. Moses, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that petitioner Jover Naranjo's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 be denied. Petitioner has failed to file any objection to the Report and Recommendation, and, for that reason alone,¹ has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). In abundance of

¹ Petitioner's time to file an objection would have expired on March 12, 2021 -- that is, fourteen days following the issuance of the Report and Recommendation. Concerns over whether petitioner had actual notice of the Report and Recommendation, however, led the Court to extend that time until April 2, 2021. See Dkt. No. 17.

caution, the Court has reviewed the underlying record de novo and finds itself in complete agreement with Magistrate Judge Moses' Report and Recommendation.

Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses the petition with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). The Clerk to enter judgment.

SO ORDERED.

Dated: New York, NY
April 8, 2021


JED S. RAKOFF, U.S.D.J.